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The profession of deputy. The idea of political representation in liberal Spain

MARIA SIERRA

SUMMARY

This article attempts to provide insights into the concepts of political representation developed by Spanish liberalism during the middle of the nineteenth century, contextualised by comparison with other European models. The study of electoral legislation, parliamentary debates, essays about suffrage, and other less theoretical publications (press, propaganda) gives information about the prosopographical profile of those members of parliament who were highly involved in the development of electoral legislation, a dynamic group especially concerned about bringing meaning to the representative system and giving legitimacy to parliament. A second group of conclusions relates to the concepts of political representation which they developed. The concept of representation in liberal discourse rested on three components: the political capacity of electors and candidates, the influences which were considered legitimate and necessary, and the implementation of the right to vote along with the institutions deemed to command and to channel it. The arguments may have varied depending on the ideological profile of the parties, but they also shared certain common features because of the dominant political culture of the time.

The aim of this article is to present the results of a research project designed to delve deeper into the liberal origins of the Spanish parliamentary system and, more precisely, into the concepts of representation evolved by diverse political groups during the nineteenth century.¹ The project has been developed in three ways: by reconstructing the process of elaborating electoral legislation to establish the main issues of debate and the solutions adopted in relation to the most important questions (the extension of suffrage, the criteria for eligibility, parliamentary

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¹ This project has been funded by the Spanish Ministerio de Educación y Ciencia (BHA2002–01007, HUM2006–00819). The research has been undertaken together with María Antonia Peña Guerrero (University of Huelva) and Rafael Zurita (University of Alicante).

incompatibilities, electoral offences, etc.), creating a prosopographical outline of the political class that was especially involved in the development of this legislation, both collectively and according to each ideological or party group; and lastly, by analysing the discourse that gave form to the concept of representation, with special reference to the linguistic and intellectual resources and lines of argument employed. Here the Spanish case is contextualised by contrasting it with France, Great Britain and Italy.²

The following methodology was used for this analysis. In the first place, we examined the parliamentary debates contained in the *Diario de Sesiones de las Cortes* for everything related to electoral legislation, not only the discussion of the laws that were finally passed, but also the debates on unsuccessful bills and any other initiatives, amendments or questions concerning electoral legislation. Secondly, we consulted contemporary writings on representative government and electoral systems. This is a body of publications that usually combined a historical focus with that of political philosophy, and which was relatively sparse in comparison to what was published in France or Great Britain. Next, we identified other types of publications dedicated to the electoral question that were less intellectual yet quite informative: booklets, catechisms and dictionaries. These are sources of great interest to scholars, as they reflect the dominant political culture of the time, whose values often conflicted with the basic theoretical principles of the modern representative system. Lastly, we examined evidence in the press of that period for the public impact of political and parliamentary debates on the electoral legislation.

The prosopographical profile of the group that played the leading role in the debate on electoral legislation and on the model of representative government demonstrates that it had a relatively young membership and, in any case, it presented a striking generational renewal at the time of the first liberalism.³ Its educational background was predominantly the study of law, in keeping with the European norm of that period. Certainly, there was no strict relationship between academic training and professional practice, as only some of these law students worked as lawyers or magistrates. Many parliamentarians with a law degree were above all landowners, who lived off the income of their patrimony as well as the profits of their businesses. But it is interesting to note that, besides these landowning parliamentarians, there was also a group of professionals – consisting of jurists, teachers, and journalists – and civil servants, creating a space for themselves, which is evidence for an initial modernisation of the parliamentary personnel with respect to their socio-economic background. Resistance to the introduction of any type of payment for representative functions prevented the consolidation of this process in the nineteenth century.

The most interesting aspect about the prosopographical profile of this group lies in its intense political and intellectual activity. In the first respect, it was common to

² A more complete presentation of this research can be found in M. Sierra, R. Zurita and M.A. Peña, 'La representación política en la España Liberal', *Ayer* 61, (2006).

³ Details of the prosopographical study can be found in R. Zurita, M.A. Peña, and M. Sierra, 'Los artífices de la legislación electoral: una aproximación a la teoría del gobierno representativo en España (1845–1870)', *Hispania* 223, (2006), pp. 633–70.

find them participating in parliamentary debates and commissions on other key issues, such as constitutional reform or legislation on printing. Their presence can equally be verified in the different academies, arts and science associations and cultural societies, and they wrote numerous books, pamphlets and articles. All of this leads us to affirm that the sector of the parliamentary elite interested in representation and electoral legislation was an especially conscious group politically speaking, and highly active in the creation of the liberal state. Concurring with what has been said by Romanelli, we are facing a segment of the parliamentary class that appreciated the utility of the electoral legislation as a particularly efficient instrument of political engineering in the new liberal order.⁴

A second type of conclusions, which in our opinion represents the key part of this research, refers to the interpretation of the concepts of political representation created by Spanish liberalism. This is a 'dense' concept, which can be represented by three characteristics that were, logically, formulated in an overlapping way. The first characteristic is that of political capacity: how to recognise and require it in the electors and in those eligible to be elected, defined from the viewpoint of an elitist mentality that differentiated between the two qualities. The second is that of the 'interests' that it was thought should be preferentially represented, defined from the viewpoint of a political culture that, in general, accepted electoral influences to be legitimate and necessary. The third and final perspective is how to articulate the right to vote with the institutions that guaranteed order – in particular the crown – and how to channel this through the political parties. Here, we will concentrate on the first of these characteristics, although the discussion will allude to the other questions. Political capacity was also the nucleus of the question as far as the protagonists of the political debate were concerned.

The most characteristic aspect in this order is the contrast between the criteria that defined the political capacity of the elector and that of the candidate; the dominant elite political mentality permitted such a disassociation of ideas without great problems. As in other European countries, post-revolutionary liberalism in Spain linked the right to vote to a minimum level of income. The two parties that governed in the reign of Isabel II, moderates and progressives, shared a census-based conception of the vote not as a right, but as a function that should only be recognised in those that had the capacity to exercise it. The status of an elector was indicated by his income and, secondly, by a certain professional training which manual workers lacked. It was said that the latter, chained like slaves to work, lacked time for the necessary formation of their opinions. The progressives, however, were more generous in establishing the limits of political citizenship, declaring themselves to be inspired by the parliamentary model and attitudes of the British political class.⁵

⁴ R. Romanelli, 'Sistemas electorales y estructuras sociales. El siglo XIX europeo', in S. Forner, (ed.), *Democracia, elecciones y modernización en Europa. Siglos XIX y XX* (Madrid, 1997), pp. 23–46.

⁵ When defending a reduction in the economic requirement in 1856, the progressive deputy Antonio González referred to the British example (where there are 'close to two and a half million electors', which 'neither frightens nor scares'), although he made it clear that he was not of the 'opinion that universal suffrage or anything similar should be proposed', *Diario de Sesiones de las Cortes Constituyentes*, 21–1–1856, pp. 10035–38.

In the face of this option, democrat and republican groups defended the abolition of economic restrictions on the exercise of the right to vote. In spite their clear doctrinal differences – the vote as a right against the vote as a function – all these parties shared in their conception of the elector one feature that can be explained by their common political culture. This was the view of the elector as a subject who was territorially and socially rooted, linked to his community by his home and his interests, and not as an autonomous subject. Although liberal theory declares that this was the case, the conception of a harmonious community rejects individual autonomy as the founding principle of the social and political order. This was not a feature exclusive to Spanish liberalism, since in both France and Great Britain, representation – and thus election – was long linked to the community. In Great Britain, until 1885, ‘enfranchisement meant not the enfranchisement of individuals but the enfranchisement of places’, and for precisely that reason the electoral reform of 1885 has been considered to be ‘the major departure in British constitutional practice.’⁶

But more than the social extension of the right to vote, what concerned the Spanish parliamentarians in the legal definition of the electoral system, was the determination of desirable conditions for the candidate. To a large extent, they concentrated legitimacy and the very meaning of the representative system on the figure of the member of parliament. Without any collective prestige for the institution similar to the ‘ethos’ of the British parliament,⁷ the legitimising effort was subordinated to the justification of the new parliamentary class. Identifying the criteria for a candidate filled many hours of debate in the Spanish Congress, where it merited a very different consideration from those for an elector. Regarding this point, the Spanish representatives were in harmony with the Western intellectual thinking of their time. The principle of distinction, which segregated the representatives from the represented and singled out the former as a special social segment, chosen also in the sense of being select or of superior quality, was commonly affirmed in the United States, Great Britain and France by different writers who supported the representative regime.⁸ In Great Britain, in a precise way, ‘the government of the best’ constituted one of the basic foundations of the traditional concept of representation – ‘virtual representation’ – which was consolidated in the eighteenth century. However, the reformist proposals of Thomas Hare and John Stuart Mill were directed towards guaranteeing the preferential representation of the best well into the nineteenth century.⁹ In this intellectual

⁶ H.H. Hanham, ‘Government, Parties and Electorate in England: A Commentary to 1900’, in S. Noiret (ed.), *Political Strategies and Electoral Reforms: Origins of Voting Systems in Europe in the 19th and 20th Centuries* (Baden-Baden, 1990), pp. 118–26, cit. p. 120. V. Bogdanor, ‘Literature, Sources and Methodology for the Study of Electoral Reform in the United Kingdom’, in Noiret, (ed.), *Political Strategies*, pp. 335–53, cit. p. 352.

⁷ ‘The House [of Commons] continued to have a marked collective ethos which new members soon assimilated...’, H.J. Hanham, *The Nineteenth-Century Constitution (1815–1914). Documents and Commentary* (Cambridge, 1969), p. 134.

⁸ B. Manin, *Los principios del gobierno representativo* (Madrid, 1998).

⁹ T. Hare, *The Machinery of Representation* (London, 1857), extended in *A treatise on the Election of Representatives, Parliamentary and Municipal*, (London, 1859); J.S. Mill, *Considerations on Representative*

context, the group of the Spanish parliamentarians, which was the most active on the electoral issue, saw themselves as architects of political modernity in their country.

Political capacity in the candidate was constructed on the basis of two interconnected requirements: meeting criteria for independence and the exercise of their function to benefit interests which were considered as 'legitimate'. Initially, independence was evaluated in terms of economic criteria, as elsewhere in Europe. The requirement for a high income was defended as a guarantee of a deputy's autonomy and, consequently, of the exercise of their function to the benefit of legitimate, national and public interests. But the tendency to supplement this criterion of social excellence with that of intellectual or cultural capacity was also immediately evident from the debate. The resulting authorisation of professional education as an indicator of political capacity was not only an effect of the adjustment of the Spanish model to the European proposals that were advancing in this direction, but also of the need to adjust it to the sociological reality of the deputies – who were substantially, and especially the most active ones, 'enlightened proletarians', to use the words of a well-informed observer of the period.¹⁰ The elite mentality shared by the political class, independent of their party affiliation, made it possible for the removal of the legal requirement to reach a certain level of income before a candidate's political capacity could be recognised even earlier than it was removed for voters.

In any case, the epistemological acceptance of intelligence rather than economic success as an indicator of political capacity was not easy, and those whom we could consider 'landowning parliamentarians' criticised the counter figure of the 'intellectual parliamentarian', identifying intellectual work with civil service work, and denouncing the social uselessness of the public employees who lived off the state.¹¹ Thus, although since the 1840s it had already been clear from the debate that the economic criterion was not the best guarantee of political capacity for the majority of the parliamentarians, the statement of the legal consolidation of the alternative criterion of intellectual capacity was postponed and was not formalised until the electoral law of 1865.

While the possession of a patrimony was not sufficient proof of political capacity for the majority of the parliamentarians, it was not yet clear that productivity in the intellectual realm was decidedly useful to the nation. Thus, the social excellence that should have been represented by the parliamentarians was frequently expressed as a moral view of independence. According to a historical figure in Spanish liberalism, General Evaristo San Miguel, true independence that could be demanded as a condition for recognising political capacity was not found

Government (London, 1861). See P. Kern, 'Universal Suffrage without Democracy: Thomas Hare and John Stuart Mill', *Review of Politics* 34 (1972), pp. 306–22.

¹⁰ J.F. Pacheco, *Lecciones de Derecho Político* (Madrid, 1984), pp. 185–86.

¹¹ The Spanish parliamentary debates on the incompatibilities between the post of deputy and holding public employment are without equal in other European assemblies studied, due to their intensity. Elsewhere, the political meaning of this discussion was transferred to other issues which were barely raised in Spain, such as the payment of a salary to deputies.

in wealth nor in intelligence, but 'in the heart, in the character'.¹² Integrity, courage, generosity, honesty, etc., were terms frequently used to try to specify the virtues of representatives. The recurrent moral discourse reflected a meritocratic political culture forged with the first liberalism of Cádiz. This would have been a familiar language to the political public of the period, who in all certainty shared this view; but this discursive recourse had little success in shaping parliamentary prestige for two reasons: the difficulty in determining objective indicators for recognising moral excellence and the eroding effect of the systematic electoral corruption of the period.

The problems of the legitimacy of the figure of parliamentarian were aggravated by a final defining element of their representative function: their uncertain position between the constituency and the nation. The tension between the representation of the concrete interests of the electors and the representation of the general interests of the nation had also given rise to thinking in Great Britain that tried to reconcile both functions.¹³ In Spain, although the philosophical principles of the representative regime included the disappearance of the imperative mandate and its replacement by a delegation in which the elected candidate was free to defend interests considered to be general, in practice the vision of the deputy as 'delegate of the powers of the represented' was kept alive.¹⁴ The strength of this way of interpreting the representative was closely related to the spread of the practice of political favours, *clientelismo*, both with respect to demands from below for the management of clients' interests, and with respect to the government resource of administrative favour in order to control politically obedient local networks. But certain cultural perceptions also had an influence, such as the holistic and harmonious view of the social body, which has been referred to earlier in this discussion, and which, as far as the parliamentarian was concerned, was shown in a preference for candidates linked to their concrete electors. These were well known persons who had roots in the district that they represented, because they possessed goods, interests and relations there. They frequently appear in this light in informative booklets and catechisms¹⁵, although in theory the law recognised the independence of the parliamentarian with respect to the district for which he was elected.

In this intellectual and political effort to define the figure of the representative, we can see how the ideal of independence became compatible with the concept of 'influence'. Both in Spain and in other countries with parliamentary systems, it was accepted that elections should be channelled by 'legitimate influences'. No matter how much liberal philosophy favoured the individual's autonomy of criterion, the political culture of the time did not think of elections as a field for the free debate of competing political proposals, but rather as a staging of the popular validation of authority – the authority of the natural social elites and of a legal order that

¹² The speech by San Miguel can be found in *Diario de Sesiones*, 31–1–1856, p. 10422.

¹³ Chapter 12 of John Stuart Mill's *Considerations on Representative Government* has as its title the question 'Should members of Parliament be required to commit themselves to act in a certain way?'

¹⁴ Olózaga, *Diario de Sesiones*, 24–1–1862, p. 713 and 23–3–1859, p. 2.087.

¹⁵ There is no specifically English equivalent for these terms. Catechisms are best explained as booklets outlining political programmes in a simple and straightforward way, while 'informative booklets' offered more objective information about these programmes.

involved deference.¹⁶ In this respect, we should be on our guard against oversimplified present day projections into the past; the same holds true concerning the concept of democracy.¹⁷

There were two different discursive constructions, varying from confrontation to coordination, concerning the influences that should steer elections and that therefore should dominate national representation. On the one hand, there was theorisation of the legitimate influence of the executive power, particularly expressed by those parliamentarians who exercised government responsibilities, and above all from the perspective of conservative liberalism. There was talk of 'moral influence' to refer to a supposedly civilising action of the government, which would avoid an excessive dispersion of the representation. According to this discourse, the government was the guarantor that the general interest of the nation would triumph in the elections, against party and fragmentary interests. This, for example, was the position defended in parliament by the deputy and minister, Posada Herrera, who affirmed that the influence of government from above was better than leaving the field free to influences from below, such as the clericals who were opposed to the liberal parliamentary system itself, as in the case of the recent elections in Italy.¹⁸ The paternal metaphor – the government as a parent who looked after the interest of a juvenile people – was frequently used from these positions. It is easy to imagine the ensemble of manipulative practices that were developed under the euphemism of 'moral influence'. It is also true that, with a bourgeois conception of keeping up appearances, the politicians favourable to government intervention were concerned that this 'civilising' action should be discreet. Consequently, abusive electoral manipulation led to different parliamentary initiatives to limit electoral corruption. The influence of the government was viewed as legitimate in origin, but its abuse was not desirable.

Facing the legitimate influence of the government, the influence of the local elites was brandished in the *Cortes* by another group of deputies. This was a less theoretical defence, but a more impassioned one. For the deputies who were rooted in their districts by patrimony, *clientelismo* and family relations, the truly legitimate influence – the true national interest – was represented by the influences that they incarnated. The interests of the periphery, local interests, were all that was real, the only thing that was socially productive in the face of the artificial and invasive action of a central government in the service of the egotistical interests of the parties in government. This view of representation fed an attitude towards electoral campaigns that had other cultural bases and was not exclusive to the Spanish elites. For a long time, carrying out an electoral campaign was considered unnecessary, since the natural patricians of a community were thought to be recognised by their neighbours and consequently must be automatically

¹⁶ The multiplicity of cultural and political meanings of electoral staging is analysed for Great Britain by F. O'Gorman, 'The Culture of Elections in England: from the Glorious Revolution to the First World War, 1688–1914', in E. Posada Carbó, *Elections before Democracy. The History of Elections in Europe and Latin America* (London, 1996), pp. 17–31.

¹⁷ For a proposal on elections in this sense, see A. Annino, 'El voto y el XIX desconocido', *Istor* 17, (2004), pp. 43–59. http://www.istor.cide.edu/archivos/num_17/dossier3.pdf

¹⁸ *Diario de Sesiones*, 22–3–1859, p. 2065.

raised above the rest in elections, without any need to campaign publicly about their virtues, which were already known, or about their programmes, which were non-existent. Their programmes consisted of their biographies and of the public recognition generated by their virtues.¹⁹

Some politicians tried to reconcile both 'legitimacies'. Conservative liberals, such as Posada Herrera wanted to explain that the government had a paternal function to fulfil in the elections, but he also recognised the electoral influence of the 'natural' authorities of each district. This was to anticipate the agreement between powers that was perfected in the monarchical regime restored by Cánovas de Castillo from 1874, when the consensus between government and local elites reached its highest level of sophistication, above all in the practice of rigged elections (under the form of the *encasillado* – the prior distribution of parliamentary seats by the government). But it also anticipated the double criticism that, under the 'regeneracionista' slogan of *caciquismo* and oligarchy, would bind legitimacy to representative liberalism from the early twentieth century onwards.²⁰

The question of influences is linked to a final facet of the concept of representation developed by Spanish liberalism: the coordination of the right to vote with other political institutions, basically the crown, and with the vehicles for channeling public opinion, especially the political parties. One of the barriers that the post-revolutionary European liberals built to control the political mobilisation of society was precisely the crown as a guarantor of order and tradition. This is certainly one of the paradoxes of modern representative government, which had progressed by eliminating the historical legitimacies of the old monarchies. But we should not forget that, in its origins, the definition of the representative and parliamentary system was constructed intellectually as a different system, superior to both extremes: the king's absolute authority and the democratic tyranny of the government of the people. On the European continent, the crown – like the hereditary upper houses or those based on royal appointment – was rehabilitated as a brake on a possible wave of democracy.

The exceptional case of Great Britain in terms of its limitation of royal powers in favour of parliament is well known. What differentiates the Spanish trajectory is not only the constitutional attribution of powers, which were much more conservative, but above all the practical form in which the monarchy developed in both countries. Queen Victoria, whose image was adjusted by politicians who, like Disraeli, resolved to build up her symbolic and dignifying value, successfully played a moderating political role that did not obstruct the parliamentary institution but, on the contrary, gave it prestige. Queen Isabel II, because of both her personality and because of the manipulation of her powers by her politicians, represented the

¹⁹ An excellent reconstruction of this patrician mentality in the case of Spain can be found in M.C. Romeo, 'Joaquín María López, un tribuno republicano en el liberalismo', in J. Moreno Luzón, (ed.), *Progresistas, demócratas y republicanos* (Madrid, 2005), pp. 59–98. A commentary from Great Britain on the view that political campaigning was socially 'inappropriate' may be found in M. Pugh, *The Making of Modern British Politics, 1867–1945* (Oxford, 1982), p. 10.

²⁰ A. Ortí (ed.), J. Costa, *Oligarquía y caciquismo como forma de gobierno en España: urgencia y modo de cambiarla: información en el Ateneo de Madrid (1901)* (Madrid, 1975). The 'regeneracionista' movement had an obsessive view of Spanish failures arising out of its historical backwardness.

opposite extreme where a representative government that had specifically wanted to base itself on the balance of powers between the crown and the parliament lacked legitimacy.²¹ Her exile after the revolution of 1868 provides a good illustration of this political failure.

The image of the Republic as an alternative to monarchic degeneration was synchronised with the demand for a social broadening of the right to vote, as the defenders of the Monarchy had considered this institution to be incompatible with universal suffrage even before the champions of the Republic had, in turn, identified this with electoral democracy. It was a major problem for the two Spanish republican experiences (in 1873 and in 1931) that they could not count on the legitimising support of the previous liberal parliamentary tradition, whose image had been warped by the weight of monarchical failures.

In this context, the role of the political parties as channels for public opinion and as articulators of the parliamentary game could have been decisive. In the period covered by this research, the organisation and vitality of the parties was generally burdened by a negative view of party formations. The parties were frequently considered as a symbol of fragmentary and petty interest in the face of the true national interest which was conceived as unique and unitary. This pejorative view of the parties was not exclusive to nineteenth-century Spanish liberalism, and can be found in other European countries. The weight of holistic conceptions of the social body created difficulties for the acceptance in the ensemble of the liberal order of the idea of pluralism and political confrontation.

Nonetheless, it is also true that, little by little, other views were advancing within Spanish liberalism, views that were more optimistic about the role of the parties, described by one deputy as schools of political training, and about the confrontation in elections, understood as an indicator of health and social mobilisation.²² The electoral reform bill introduced by the Progressive Party in 1856 legislated on pre-electoral campaigns for the first time, explicitly accepting the legality of the party political struggle. In another sense, but in a similar line of thought, some sectors of conservative liberalism wanted to favour the organisation of strong party schemes as a way of channelling public opinion at electoral times, or as a mechanism for articulating parliamentary majorities with internal discipline (the former in the famous electoral manual of A. Borrego, and the latter, in the parliamentary speech of Cánovas del Castillo).²³

²¹ D. Cannadine, 'The Last Hanoverian sovereign? The Victorian monarchy in historical perspective, 1688–1988', in A. Beier, D. Cannadine, and J. Rosenheim (eds), *The First Modern Society. Essays in English History in honour of Lawrence Stone* (Cambridge, 1989), pp. 127–65. For an illuminating comparison of the two queens and of their politicians, see I. Burdiel, 'Isabel II: un perfil inacabado', *Ayer* 29, (1998), pp. 187–216.

²² Thus, for example, the liberal publicist L.M. Pastor used to favourably quote J.S. Mill to affirm that the rivalry between parties generated a 'very useful competition to attract the sympathy and benevolence of the electoral body', L.M. Pastor, *Las elecciones, sus vicios. La influencia moral del Gobierno. Estadísticas de la misma y proyecto de reforma electoral* (Madrid, 1863), pp. 10–11.

²³ A. Borrego, *Manual Electoral para el uso de los electores de la opinión monárquico-constitucional* (Madrid, 1837). The parliamentary speech by Cánovas is in *Diario de Sesiones*, 30–4–1864, pp. 1796–98.

A concluding observation can be made on the success or failure of the parliamentary system which has been discussed here. Although the history of its origins does not offer an idyllic panorama that would perfectly complement the parliamentary canon, but instead an irregular path made up of as many setbacks as achievements (as would be expected in the historical analysis of any other case), what is certain is that the suspension of the Spanish parliamentary system by Franco's dictatorship did not constitute the merely formal elimination of an empty institution. However much anti-parliamentarianism of this or of any other kind successfully spread the image of a decorative and useless assembly in the twentieth century, the reality is that in the nineteenth century, the parliament had been one of the central spaces of the political struggle. It was neither the only one nor the most decisive when compared with the power of the army or of court pressure groups. But it was a space where Spanish liberal politicians attempted to define themselves with their gaze fixed on Europe, looking, for example, to that British modernity which for them was the incarnation of an ideal representative government. Its potential contribution, the creation of a tolerant political culture that encouraged dialogue, should not be forgotten.